

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:04CR161

MICHAEL L. STACKS

ORDER

This cause is before the Court on the defendant's pro se Motion for Copies Without Payment of Costs [26]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

That the motion is not well-taken and should be denied. In the absence of a pending motion under 28 U.S.C. § 2255 setting forth some factual allegations from which the court can determine and certify that petitioner's claim is not frivolous and that a transcript is necessary to present it effectively, the court has no authority under 28 U.S.C. § 753(f) to provide a free transcript or other copies from the Court file. Accordingly, Stacks Motion for Transcripts Without Payment of Costs [26] is not well-taken and should be, and hereby is, DENIED.

SO ORDERED, this the 22nd day of May, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE